

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Tribal Welfare Department – Appeal Petition filed by Sri Gopidalai Srinivasa Rao S/o Late Tatanna, R/o Murali Nagar, Visakhapatnam District, against the Proceedings Rc. No.1753/1999/C1, dated: 09.09.2006 of the Collector, Srikakulam District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition rejected – Orders Issued.

SOCIAL WELFARE (CV-2) DEPARTMENT

GO.Ms.No. 32

Dated:12-09-2012.

Read the following:

1. Proceedings of the District Collector, Srikakulam, Rc. No. 1753/ 1999/ C1, dated. 09.09.2006.
2. Appeal Petition filed by Sri Gopidalai Srinivasa Rao S/o Late Tatanna, R/o Murali Nagar, VSP District, dated:20.9.2006 before M(SW&TW).
3. Govt.Memo.No.11610/CV2/2006, SW(CV2) Dept, dated : 04.10.2006. Reminders thereon.
4. From the Orders of APHC, Hyderabad in WPMP No.26786 of 2006 in WPN0.21122 of 2006, dated:11.10.2006.
5. From the District Collector, Srikakulam, Rc.No. 1753/1999/C1, dated:12.01.2008.
6. Govt.Lr.No.11610/CV2/2006, SW(CV2) Dept, dated :02.09.2009 and Reminders thereon.
7. Govt. Memo No. 11610/CV2/2006, SW(CV2) Dept, dated :23.06.2012
8. Govt. Memo No. 11610/CV2/2006, SW(CV2) Dept, dated :26.07.2012
9. Written Arguments dated: 06.08.2012 filed by the counsel for the Appellant before the Government.

ORDER:

In the reference 1st read above the District Collector, Srikakulam has issued Proceedings canceling Scheduled Tribe Certificate of Sri Gopidalai Srinivasa Rao S/o Late Tatanna, R/o Murali Nagar, Visakhapatnam District, obtained from the then Tahsildar, Tekkali.

2. In the reference 2nd read above, Sri Gopidalai Srinivasa Rao S/o Late Tatanna, has filed Appeal Petition before the Government against the Proceedings of the District Collector, Srikakulam. After examining the said Appeal Petition Government have admitted the Appeal Petition and stay orders as requested by the applicant were rejected on the Proceedings of the District Collector, Srikakulam and called for the parawise remarks and connected records from the District Collector, Srikakulam in the reference 3rd read above.

3. In the reference 4th read above, Sri Gopidalai Srinivasa Rao S/o Late Tatanna has filed W.P. M.P. No. 26786 of 2006 in Writ Petition No. 21122 of 2006 against the Memo.No.11610/CV.2/2006, dated 04.10.2006 wherein the stay on the Proceedings of the District Collector, Srikakulam, prayed by him has been rejected by the Government. The Hon'ble High Court of AP while disposing off the said WP on 11.10.2006 has passed stay orders on the proceedings of the District Collector pending finalization of the Appeal and directed the 1st respondent (Prl. Secretary) indicating that there shall be interim suspension of the proceedings of the 2nd respondent dated 09.09.2006. However, this shall not preclude the first respondent to proceed with appeal pending on its file.

P.T.O.

4. In the reference 5th read above, the District Collector, Srikakulam has furnished the original connected records of Sri Gopidalai Srinivasa Rao S/o Late Tatanna.

5. The said Appeal Petition has been posted for hearing on 19.09.2009, 19.03.2010, 25.06.2010, 09.07.2012 finally on 06.08.2012 and the same has been informed to the appellant, counsel for the appellant with a request to attend the hearing of the case with all documentary evidences/ certificates in favour of his community claim in the references 6th, 7th, and 8th read above. The Advocate for Appellant was present and argued the case and explained his community status and the appellant filed written arguments before the Appellate Authority in the reference 9th read above.

6. After examination of records / written arguments / the copies of evidences/academic record/ written arguments produced by the Appellant and the material papers/Citations of the Hon'ble Courts made available in the file and proceedings of the District Collector, Srikakulam, dated 09.09.2006, it is observed that the Appellant has contented the same contents which were filed before the lower Court. On perusal of the records and other material papers placed before the Government and the Appellate Authority the Appellate Authority is of the opinion that no fresh grounds have been educed by the Appellant. He failed to produce any further evidence to prove his caste as Benthoriya(ST) Community and the District Collector, Srikakulam has adjudged the case in all possible angles, within the Rule frame of such cases and issued orders in Rc. No. 1753/1999 C1, dated 09.09.2006, canceling the "Benthoriya" Scheduled Tribe Caste Certificate, issued in favour of the Appellant by various Revenue authorities.

7. The Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petition filed by Sri Gopidalai Srinivasa Rao S/o Late Tatanna does not deserve any interference. Hence, Proceedings of the District Collector, Srikakulam issued vide Rc. No.1753/1999 C1, dated 09.09.2006 is hereby upheld and the Appeal Petition of Sri Gopidalai Srinivasa Rao S/o Late Tatanna is hereby rejected and the Certificate issued by the M.R.O., Tekkali deemed to be cancelled.

8. The District Collector, Srikakulam shall take necessary consequential action in the matter.

9. The records (containing (i) Rc.No. 5993/87 Pp 01 to 04 NF and 01 to 208 CF (Vol-I) (ii) Rc.No.1793/1999 C1, Pp 01 to 548 CF (Vol-II) (iii) Rc.No. 1793/1999 C1 Pp 1 to 418 CF (Vol-III) (iv) Rc.No. 1793/1999 C1 Pp 01 to 238 CF (Vol-IV) (v) Rc.No. 1793/1999 C1 Pp 01 to 110 NF and 549 to 800 CF (Vol-V) received from the District Collector, Srikakulam, through reference 5th read above, are returned herewith in original to the District Collector, Srikakulam and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To
The District Collector, Srikakulam (BYRPAD) (w.e)
(With original records)

Sri Gopidalai Srinivasa Rao S/o Late Tatanna,
R/o H.No. 39.06.23, Near Sri Devi Park,
Murali Nagar, VSP District-07.

Cont.....

Sri M.Ravindranath Reddy, Advocate, 203,
Lingapur House, Himayat Nagar, Hyderabad-29.

Copy to:

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.

The Chairman, Visakhapatnam Port Trust, Visakhapatnam.

The P.S. to M (TW)

The P.S. to Principal Secretary (TW)

The Director, TCR &TI, AP., Hyderabad.

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER